

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ZED BLUE and ROBIN BLUE, a married couple,

Plaintiff,

V.

USI INSURANCE SERVICES, LLC, a
Delaware limited liability company;
CERTAIN UNDERWRITERS AT
LLOYD'S OF LONDON through
HARLOCK MURRAY UNDERWRITING
LTD as per UMRN B1353DH1700422000;
and THE HARTFORD FIRE INSURANCE
COMPANY, a Stock Insurance Company,

Defendant.

No.: 2:21-cv-01328-JHC

STIPULATED MOTION TO FILE UNDER
SEAL

**NOTE ON MOTION CALENDAR:
December 16, 2022**

I. RELIEF REQUESTED

Pursuant to LCR 5(2)(B), Defendant Hartford Fire Insurance Company and Plaintiffs request the Court grant permission for Hartford to file, under seal, an economic damages report prepared by Plaintiffs' expert—Solis Financial Forensics, LLC (Solis Report). Hartford intends to file this report in connection with its reply in support of Hartford's Motion to Compel.¹

1 Dkt No. 38.

II. FACTS

This action concerns an insurance claim arising out of damage sustained by a commercial fishing vessel—the FV ROBIN BLUE. On November 28, 2022, Hartford filed a Motion to Compel requesting, in part, that the Court order an inspection of the propeller shaft of the vessel, which Plaintiffs alleged was damaged.²

In the opposition to the motion, Plaintiffs argued that the requested inspection is “disproportionately burdensome and expensive.”³ In reply, Hartford intends to file the Solis Report. This report contains personal and corporate financial information, however, including reference to Plaintiffs’ personal tax documents. Given the confidential nature of the Solis Report, Plaintiffs and Hartford met and conferred, as required by LCR 5(g)(3)(A), and agree it should be filed under seal.⁴

III. LEGAL AUTHORITY AND ARGUMENT

Local Civil Rule 5(g)(3)(B) requires that, in a motion to seal, the parties explain the following: (1) the legitimate private or public interests that warrant the relief sought; (2) the injury that will result if the relief sought is not granted; (3) and why a less restrictive alternative to the relief sought is not sufficient. When moving to seal a document, the applicable legal standard is generally whether a compelling reason exists to keep the information out of the public view.⁵ “Compelling reasons” exist when the document at issue “might have become a vehicle for improper purposes, such as the use of records to gratify

² *Id.* at 2-4.

³ Dkt No. 41, at 3.

⁴ Hartford certifies that the meet and confer requirement in LCR 5(g)(3)(A) has been satisfied. Declaration of Matthew J. Sekits in Support of Stipulated Motion to File Under Seal, dated December 16, 2022.

⁵ See *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

1 private spite, promote public scandal, circulate libelous statements, or release trade secrets.”⁶

2 These elements are satisfied here. Plaintiffs have a legitimate interest in keeping their
 3 own personal and corporate financial information private. If this motion is denied, and the
 4 Solis Report becomes available for public viewing, it could be used improperly by Plaintiffs’
 5 competitors in the fishing industry or others to take advantage of Plaintiffs’ current financial
 6 position.⁷ Any less restrictive alternative would be insufficient because it would exclude too
 7 many important details concerning the cause and extent of Plaintiffs’ alleged economic
 8 damages, which Hartford believes to be relevant to its Motion to Compel.

9 **IV. CONCLUSION**

10 For these reasons, Plaintiffs and Hartford request that this motion be granted, and that
 11 Hartford be permitted to file the Solis Report under seal.

12 DATED: December 16, 2022

13 TOUSLEY BRAIN STEPHENS PLLC

BULLIVANT HOUSER BAILEY PC

14

15 By: /s/ Chase C. Alvord

Chase C. Alvord, WSBA #26080
 E-mail: calvord@tousley.com

16
 17 *Attorneys for Plaintiff*

By: /s/ Matthew J. Sekits

Matthew J. Sekits, WSBA #26175
 E-mail: matthew.sekits@bullivant.com
 Caitlyn Mathews, WSBA #60055
 E-mail: caitlyn.mathews@bullivant.com

18
 19 *Attorneys for Defendant Hartford Fire
 20 Insurance Company*

21
 22
 23

24⁶ *Kamakana*, 447 F.3d at 1179.

25⁷ *Clean Crawls, Inc. v. Crawl Space Cleaning Pros, Inc.*, 2020 WL 978267, at *2 (W.D. Wash. Feb.
 26 28, 2020) (granting a motion to file under seal two expert reports on economic damages, in the
 interest of keeping business, financial, and proprietary information from public view).

ORDER

IT IS SO ORDERED.

DATED this 16th day of December, 2022.

John H. Chase

HONORABLE JOHN H. CHUN
United States District Judge

4857-7468-7300.1

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF e-filing system which will send notification of such filing to the persons listed below:

Chase C. Alvord
TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, WA 98101
calvord@tousley.com
lteppner@tousley.com
ERashby@tousley.com

- via hand delivery.
- via first class mail.
- via email
- CM/ECF E-service

Attorneys for Plaintiff

David R. West
FOSTER GARVEY PC
1111 Third Avenue, Suite 3000
Seattle, WA 98101
david.west@foster.com
wendy.foster@foster.com
christine.harlan@foster.com

- via hand delivery.
- via first class mail.
- via email
- CM/ECF E-service

Attorneys for Defendant USI

Michael A. Barcott
Daniel P. Barcott
Lafcadio Darling
HOLMES WEDDLE & BARCOTT, P.C.
3101 Western Ave, Suite 500
Seattle, WA 98121
mbarcott@hwb-law.com
dbarcott@hwb-law.com
ldarling@hwb-law.com
HMote@hwb-law.com
hschmid@hwb-law.com

- via hand delivery.
- via first class mail.
- via email
- CM/ECF E-service

Attorneys for Defendants Certain Underwriters at Lloyd's of London through Harlock Murray Underwriting, Ltd.

Dated: December 16, 2022.

/s/ Freida Mason
Freida Mason, Legal Assistant